

Case No.

*In re. Investigation of election irregularities affecting
counties within the 9th Congressional District*

Exhibit

7.2.2.1

Description: Correspondence from the U.S. House of Representatives, its committees, or members.



NORTH CAROLINA
STATE BOARD OF ELECTIONS

Congress of the United States

House of Representatives

COMMITTEE ON HOUSE ADMINISTRATION

1309 Longworth House Office Building
Washington, D.C. 20515-6157
(202) 225-2061
<https://cha.house.gov>

January 11, 2019

Kimberly Strach
Executive Director
North Carolina State Board of Elections
430 N. Salisbury St., Third floor
Raleigh, N.C. 27603-5918

Dear North Carolina State Board of Elections:

Article I, Section 5, clause 1 of the United States Constitution empowers the United States House of Representatives to “be the Judge of the Elections, Returns, and Qualifications of its own Members.” Generally, House precedent lends a great deal of deference to state certification with a presumption of regularity. However, a certificate is not ultimately determinative of the House’s course of action as the House is the final arbiter of who is the rightful claimant to its seats.

Further, Article I, Section 2, clause 4 of the Constitution provides that “When vacancies happen in the Representation from any State, the Executive Authority thereof shall issue Writs of Election to fill such Vacancies.” The U.S. House, upon declaring such vacancy, would notify the state’s executive authority of the vacancy, compelling the governor to issue a writ.

Pursuant to Clause 1(k) of House Rule X, the Committee on House Administration (hereafter “this Committee”) has jurisdiction over the following: “Election of the President, Vice President, Members, Senators, Delegates, or the Resident Commissioner; corrupt practices; contested elections; credentials and qualifications; and Federal elections generally.”

In light of these several authorities, this Committee now writes the Board regarding the election in North Carolina’s Ninth Congressional District, which remains unresolved as of this writing. It is the Committee’s understanding that the State Board of Elections has been conducting a thorough investigation of this matter since its inception. This letter acknowledges the work of the State Board’s investigators to date. Additionally, however, the Committee is acutely aware of its responsibilities and rights concerning the eventual seating of House Members in disputed or vacant seats. It is within the realm of possibility that the House may become involved in the determination of the rightful claimant to the seat for North Carolina’s Ninth Congressional District and may, under stated authority, proceed to investigate the matter on its own. For the House to appropriately determine the rightful claimant to the Ninth District’s seat, it is likely that the House and this Committee will need to examine some or all of the material currently in your possession regarding the North Carolina Ninth District’s candidates, election, procedure, and aftermath. Accordingly, it is of the utmost importance that the Board and all parties handling such evidence preserve and protect said material for future inspection by the House, this Committee, and its designated agents.

This Committee, on behalf of the House, therefore requests that you preserve, in original form, all documents and records received pursuant to subpoenas issued by the State Board of Election and any other records or documents transmitted to your office by law enforcement, other prosecutorial entities or any interested parties regarding this investigation and the resolution of this matter. This includes but is not limited to all notes, transcripts, recordings or any other materials internally produced, procured, or secured from outside sources regarding any entities involved in or peripheral to the investigation and resolution of North Carolina's Ninth Congressional District's House seat.

The Committee further requests detail from the Board on your procedures and methods of preservation of evidence and materials related to or arising out of this investigation, and information on best practices as articulated and implemented by the Board regarding preservation.

Failing to preserve the materials herein described would undermine the United States Constitution, the authority of this House and this Committee, and would deprive the people of the North Carolina's Ninth District their Constitutionally-protected representation in Congress, which all citizens expect and deserve.

This Committee anticipates your prompt response, compliance, and appreciates your efforts to preserve and protect democracy.

Sincerely,

A handwritten signature in blue ink, appearing to read 'Zoe Lofgren', with a long horizontal flourish extending to the right.

Zoe Lofgren
Chairperson



NORTH CAROLINA

STATE BOARD OF ELECTIONS

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P.O. Box 27255,
Raleigh, NC 27611
(919) 814-0700 or
(866) 522-4723
Fax: (919) 715-0135

VIA EMAIL

The Honorable Zoe Lofgren
Chairperson
Committee on House Administration
c/o Elizabeth Hira, Esq.
Elections Counsel

January 18, 2019

Re: Response to request for preservation of records and description of procedures to secure evidence in connection with the State Board of Elections' investigation into irregularities and alleged misconduct affecting the contest for election to the Ninth Congressional District in North Carolina (herein, the "Investigation").

Dear Chairperson Lofgren:

Thank you for your letter dated January 11, describing the unique responsibilities of the United States House of Representatives under the Constitution. Be assured that the North Carolina State Board of Elections has endeavored to conduct the above-referenced Investigation in a manner calculated to support subsequent review, and the agency will preserve records and evidence as requested.

Our agency's Investigations Division is led by a former special agent with the Federal Bureau of Investigation and staffed by individuals with prior experience in law enforcement. Collected evidence is documented via Receipt for Property Forms and is stored in a secured space within the Investigations Division suite; logs record access to the evidence storage; and digital files are stored in a secure government cloud. Building access is overseen by armed guard, and the agency's digital footprint is monitored by both state and federal cybersecurity services. Should further inspection become appropriate, we are confident evidence has been secured in a manner consistent with accepted best practices within the law enforcement community.

Our agency is working methodically to complete its ongoing Investigation. Should the Committee on House Administration require additional information regarding the above, please do not hesitate to contact me.

Sincerely,

Kim Westbrook Strach
Executive Director